

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Ricky Graham, Suleaner Sipp, and)	
Jermaine Sipp,)	
)	
Plaintiffs,)	
)	
v.)	NO. 08 C 889
)	
John P. Dolan, Craig A. Dunderdale, Keith)	JUDGE GUZMAN
E. Karczewski, Vernon Mitchell Jr.,)	
Scott M. Wolff, Matthew P. Cline, Daniel J.)	MAGISTRATE JUDGE ASHMAN
DeLopez, Eddie M. Yoshimura, Unknown)	
Number of Unnamed Officers of the)	
Chicago Police Department, and)	
City of Chicago,)	
)	
Defendants.)	

**DEFENDANTS' JOINT MOTION FOR LEAVE TO FILE
THEIR MOTION TO DISMISS *INSTANTER* AND STAY THEIR ANSWERS**

Defendant Police Officers John P. Dolan, Craig A. Dunderdale, Keith E. Karczewski, Vernon Mitchell Jr., Scott M. Wolff, Matthew P. Cline, Daniel J. DeLopez, and Eddie M. Yoshimura (“Individual Defendants”), by one of their attorneys, Shneur Nathan, Assistant Corporation Counsel of the City of Chicago, and Defendant the City of Chicago (“the City”) (collectively “Defendants”), by Mara S. Georges, Corporation Counsel of the City of Chicago, respectfully request this Honorable Court (a) grant them leave to file their 12(b)(6) Motion to Dismiss *Instanter*; and (b) stay their Answer until their motion is ruled upon by the Court. In support of this motion, Defendants state as follows:

1. All Defendants in this case have been served and appeared.
2. Initial status is set for 9:30 a.m. on April 16, 2008.
3. The undersigned was unable to meet with Individual Defendants in preparation for their

defense until April 8, 2008.

4. Defendants are now prepared to file their Motion to Dismiss Counts IV and V of Plaintiff's First Amended Complaint Pursuant to Rule 12(b)(6) attached hereto as Exhibit A. (*See* Ex. A.)
5. The subject motion to dismiss addresses only the state-law claims of counts IV and V that are time barred.
6. In order to promote efficiency and avoid confusion, Defendants seek leave to file their Answers to plaintiff's First Amended Complaint after the motion to dismiss is ruled upon. *See Oil Express National, Inc. v. D'Alessandro*, 173 F.R.D. 219, 220-21 (N. D. Ill. 1997) (staying time to answer complaint during the pendency of a motion to dismiss).
7. This motion is not being made for purposes of delay and Defendants will be greatly prejudiced if leave is not granted.

WHEREFORE, Defendants respectfully request that this Honorable Court grant them leave to file their Motion to Dismiss *instanter* and stay the period for filing their Answer until that motion is ruled upon.

Respectfully submitted,

MARA S. GEORGES
Corporation Counsel
of the City of Chicago

By: /s/ Timothy Swabb
TIMOTHY SWABB
Assistant Corporation Counsel
30 N. LaSalle Street, Suite 1020
Chicago, Illinois 60602
(312) 744-7630
ARDC No. 6193885

Respectfully submitted,

/s Shneur Nathan
SHNEUR NATHAN
Assistant Corporation Counsel
30 North LaSalle Street
Suite 1400
Chicago, Illinois 60602
312-742-1842
ARDC No. 6294495

CERTIFICATE OF SERVICE

I, Shneur Nathan, hereby certify that on April 9, 2008, I caused a copy of the foregoing Motion to be served upon all counsel of record by filing the same via the Court's ECF filing system.

/s Shneur Nathan
SHNEUR NATHAN